

DOW CORNING

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Regulation Development Section (AR-18J)  
Air Programs Branch  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5  
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**Direct Final Rule**

**Removal of Michigan Rule 901 (Michigan Administrative Rule R336.1901) from Michigan's  
Approved  
State Implementation Plan (SIP) Under the Clean Air Act (CAA)  
63 Fed. Reg. 27492, (May 19, 1998)**

**Comments of Dow Corning Corporation**

Dow Corning Corporation (Dow Corning) fully supports the Agency's proposed Direct Final Rule and clarification that Rule 901 is not in the Michigan SIP. Dow Corning also applauds the Agency's openness and responsiveness to input, willingness to work with the State of Michigan, and the Michigan Manufacturers Association ("MMA").

Dow Corning incorporates into these comments the comments of the MMA.

Dow Corning believes that explicitly removing Rule 901 from Michigan's approved SIP is the correct action for EPA to take. Rule 901 is used to address odors and local nuisances. It is not used to attain or maintain National Ambient Air Quality Standards or any other provision of the Clean Air Act (CAA).

Both EPA Headquarters and Region V have consistently maintained that State nuisance provisions generally, and Rule 901 specifically, are not federally enforceable and are not legally part of a State SIP under the CAA. This Agency position is supported by Federal Court, the Michigan Attorney General's Office, and the Michigan Department of Environmental Quality.

In conclusion, Dow Corning strongly supports the Proposed Direct Final Rule. It will clarify Rule 901's exclusion from Michigan's SIP and will remove the uncertainty and ambiguity which currently exists.

Sincerely,



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